



Written by [Peter Rykowski](#) on December 10, 2025

EU Court Demands That Member States Recognize Same-sex “Marriage”

The European Union’s highest court has ruled that EU member states are legally obligated to recognize same-sex “marriages” performed in other member states, regardless of their own laws.

On November 25, the European Court of Justice (ECJ) [ruled](#) in favor of a homosexual Polish couple who “married” in Germany in 2018. The Polish government had refused to recognize their “marriage” after they moved back to Poland.

In a [press release](#) announcing the ruling, the ECJ declared:



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The Court recalls that, while rules relating to marriage come within the competence of the Member States, the Member States are required to comply with EU law in exercising that competence. The spouses in question, as EU citizens, enjoy the freedom to move and reside within the territory of the Member States and the right to lead a normal family life when exercising that freedom and upon returning to their Member State of origin. In particular, **when they create a family life in a host Member State, in particular by virtue of marriage, they must have the certainty to be able to pursue that family life upon returning to their Member State of origin...**

For that reason, the Court holds that such a refusal is contrary to EU law. It infringes not only the freedom to move and reside, but also the fundamental right to respect for private and family life....

Accordingly, **given that transcription is the only means provided for by Polish law** for a marriage concluded in another Member State to be effectively recognised by the administrative authorities, **Poland is required to apply that procedure without distinction** to marriages between persons of the same sex and to those concluded between persons of the opposite sex. [Emphasis in original.]

Despite Poland’s stance in the ruling, factions of the country’s current, pro-EU government led by Prime Minister Donald Tusk, a former president of the European Council, [celebrated](#) the ruling. In fact, Tusk’s government has attempted to expand government support for same-sex unions, though President [Karol Nawrocki](#) is [likely](#) to veto any such legislation.

The ECJ’s ruling illustrates the EU’s continued chipping away of national sovereignty and gradual transformation into a true [United States of Europe](#). Although the ECJ’s press release [claimed](#) the ruling “does not undermine the national identity or pose a threat to the public policy of the spouses’ Member State of origin,” it clearly infringes upon member states’ ability to set their own domestic policies. It is likely only a matter of time before the EU demands that all member states fully legalize same-sex



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“marriage.”

The ECJ’s ruling also serves as a warning for Americans. Instead of allowing trade agreements such as the [United States-Mexico-Canada Agreement \(USMCA\)](#) to morph into a full-fledged North American Union — exactly what happened with the EU — Congress must terminate all foreign entanglements.

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